

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

KORY WATKINS and OPEN CARRY
TARRANT COUNTY,

Plaintiffs,

vs.

CITY OF ARLINGTON,

Defendant.

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CIVIL ACTION NO. 4:14-cv-381-O

DEFENDANT CITY OF ARLINGTON'S
MOTION FOR SUMMARY JUDGMENT

TO THE HONORABLE JUDGE O'CONNOR:

1.01 Arlington submits this motion for summary judgment on the sole remaining claim against it by Kory Watkins and Open Carry Tarrant County. Specifically, Arlington seeks summary judgment on Plaintiffs' First Amendment facial challenge to Arlington's current ordinance.

1.02 There is no genuine issue of material fact on the Plaintiffs' sole remaining claim. Therefore, Arlington is entitled to summary judgment as a matter of law. This motion is supported by the accompanying brief and appendix. Pursuant to Local Rule 56.3(b), the information required by Local Rule 56.3(a) is included in the accompanying brief.

1.03 Wherefore, premises considered, Arlington prays that the Court grant its motion for summary judgment, dismiss all claims against it, and for such other relief to which Arlington may show itself entitled.

Respectfully submitted,

/s/ Robert Fugate

Robert Fugate

Texas Bar No. 00793099

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CERTIFICATE OF SERVICE

On March 30, 2015, I electronically submitted the foregoing document, DEFENDANT CITY OF ARLINGTON'S MOTION FOR SUMMARY JUDGMENT, with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. I hereby certify that I served a true and correct copy on the Plaintiffs' attorneys of record by electronic notice to all counsel of record via the ECF System for the Northern District of Texas. *See* FED. R. CIV. P. 5(b)(2)(E) & Local Rule 5.1(d).

/s/ Robert Fugate
Robert Fugate